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Date: 12/22/2008 Name: Richard G. Leone, Reg. No. 19,795 Signature: /Richard G. Leone/

Our Case No. 5404/108

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Takahiro Ueda et al.)	
)	
International Serial No. PCT/JP2004/000117)	Examiner: Sudhakar Katakam
)	
U.S. Serial No.: 10/541,446)	Group Art Unit: 1621
)	
International Filing Date: January 9, 2004)	Confirmation No. 6380
)	
U.S. Filing Date: June 22, 2006)	
)	
Title: METHOD OF PURIFYING)	
REDUCED COENZYME Q ₁₀)	

REQUEST FOR RECONSIDERATION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Office Action of October 6, 2008, like the previous Office Action, contains a single rejection under 35 U.S.C. §103(a). Claims 1-19 are once again rejected under 35 U.S.C. §103(a) over Merck & Co., Inc. (GB Patent No. 947,643) in view of Kijima et al (US 4,061,660), Kijima et al (US 4,039,573) and Morita et al (US 4,163,664).

The Examiner acknowledges that the applicants show how the cited references differ from the instant invention, but contend that the obviousness test under 35 U.S.C. 103 is whether the invention would have been obvious in view of the prior art taken as a whole, citing In re Metcalf et al, 157 U.S.P.Q. 423. The Examiner continues to insist that it would have been obvious to a person of ordinary skill in the art at the time of the